

Utah's Statutory Exemptions to Water Right Forfeiture

The following forfeiture exemptions are provided in Utah Code Ann. 73-1-4(2)(e):

- the use of water according to a lease or other agreement with the appropriator;
- a water right if its place of use is contracted under a conservation fallowing program;
- those periods of time when a surface water or groundwater source fails to yield sufficient water to satisfy the water right;
- a water right when water is unavailable because of the water right's priority date;
- a water right to store water in a surface reservoir or an aquifer, in certain circumstances;
- except in an adjudication, a water right if a water user has beneficially used substantially all of the water right within a seven-year period;
- a water right owned by a public water supplier held for future public use, if certain conditions are met;
- a supplemental water right when another water right provides sufficient water so as to not require use of the supplemental water right; or
- a water right subject to an approved change application where the applicant is diligently pursuing certification.

Other statutory exemptions to forfeiture include:

- a livestock watering right held by the Department of Agriculture and Food (§73-3-31);
- water allocated to Utah under the Upper Colorado River Basin Compact (§73-13-10); and
- water allocated under the Ute Indian Water Compact (§73-21-2).